

Article - Environment

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§6–849.

(a) (1) The Department shall impose an administrative penalty on an owner who fails to register an affected property by December 31, 1995 or within the time period specified in § 6-811(a)(2) or § 6-812(b) of this subtitle or fails to renew or update a registration as provided under § 6-812(a) of this subtitle. The administrative penalty imposed shall be up to \$20 per day, calculated from the date compliance is required, for each affected property which is not registered or for which registration is not renewed or updated.

(2) The Department shall impose an administrative penalty, not to exceed \$50,000, on any person who violates § 6-818(a)(1)(ii) or (2) of this subtitle.

(3) The penalty shall be assessed with consideration given to:

(i) The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

(ii) The extent to which the violation resulted in actual harm to the environment or to human health or safety;

(iii) The nature and degree of injury to or interference with general welfare, health, and property;

(iv) The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator; and

(v) The extent to which the violation creates the potential for harm to the environment or to human health or safety.

(4) On or before March 31, 2002, the Department may waive an administrative penalty under this subsection upon a showing of hardship or provided that:

(i) The affected property is registered, the registration is renewed, or the registration is updated;

(ii) The Department has not initiated an enforcement action for violation of this subtitle before the date upon which the property is registered or the registration is renewed or updated; and

(iii) All of the owner's affected properties have been brought into compliance with this subtitle and 65% of the owner's affected properties have been certified in compliance with the full risk reduction standards in accordance with §§ 6-815 and 6-817(b) of this subtitle.

(b) An owner who fails to renew or update a registration as required under § 6-812 of this subtitle within 90 days after the date specified shall be deemed to be out of compliance with the provisions of this subtitle, with respect to each affected property to which that renewal or update relates, for purposes of § 6-836 of this subtitle on the 91st day after the date the renewal or update was required.

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